

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00

DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /127 W

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R 141245Z SEP 76

FM AMEMBASSY OSLO

TO SECSTATE WASHDC 2455

INFO AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY STOCKHOLM

USEC BRUSSELS 1413

USUN NEW YORK 644

C O N F I D E N T I A L SECTION 1 OF 2 OSLO 4566

E. O. 11652: GDS

TAGS: PLOS EFIS NO

SUBJECT: NORWEGIAN ECONOMIC ZONES AND NORWEGIAN/SOVIET BOUNDARY

REFS: A)OSLO 4535; B) OSLO 4423 C) OSLO 2503

D) OSLO 3336

1. IN DISCUSSION OF NORWAY'S PROPOSED ENABLING LEGISLATION
ON ESTABLISHMENT OF 200-MILE ECONOMIC ZONES (REF A),
FOREIGN MINISTRY LEGAL DIRECTOR ELIASSEN GAVE E/C
COUNSELOR COPY OF STATEMENT AND EXPLANATORY NOTE WHICH
WILL ACCOMPANY THE PROPOSED LEGISLATION WHEN IT IS PRE-
SENTED TO PARLIAMENT IN OCTOBER BY LOS MINISTER EVENSEN.
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THE FOREIGN MINISTRY IS TRANSLATING STATEMENT AND

EXPLANATORY NOTE INTO ENGLISH, AND EMBASSY WILL FORWARD TRANSLATION TO DEPARTMENT ASAP. STATEMENT AND EXPLANATORY NOTE REFERS TO PARA 1, FIRST SECTION OF PROPOSED LEGISLATION WHICH GIVES GON RIGHT TO ESTABLISH ECONOMIC ZONES IN OCEAN AREAS ADJACENT TO THE "KINGDOM OF NORWAY" AND STIPULATES THAT THIS INCLUDES SPITSBERGEN AND JAN MAYEN. STATEMENT AND EXPLANATORY NOTE GOES ON TO SAY (EMBASSY TRANSLATION) "... THE NEED FOR PROTECTING THE FISH RESOURCES AND THE COASTAL FISHERY VARIES SHARPLY AND PROBLEMS RELATING TO RESOURCES AND MANAGEMENT ARE SOME-SHAT DISSIMILAR IN DIFFERENT OCEAN AREAS. IT IS, THEREFORE, PRESUPPOSED IN PARA. 1, FIRST SECTION, SECOND POINT, THAT THE ECONOMIC ZONE MAY BE ESTABLISHED FOR PART OF THE COASTAL WATERS WITHOUT NECESSARILY HAVING TO BE EXTENDED TO THE ENTIRE COAST. THE GOVERNMENT'S STATEMENT ABOUT THE FISHERIES LIMIT POLICY WAS ORIGINALLY AIMED AT THE COAST OFF NORTH NORWAY. DEVELOPMENTS HAVE, HOWEVER, SHOWN THAT EVEN FOR MORE SOUTHERNLY OCEAN AREAS A NEED WILL ARISE FOR A REGULATION BASED ON COASTAL NATIONS' RIGHT TO 200-MILE ECONOMIC ZONES. (ZSSLPLERE NEXT SENTENCE): THE GOVERNMENT HAS UNDER CONSIDERATION MEANS WHICH SHOULD BE IMPLEMENTED IN REGARD TO THE SPITSBERGEN OCEAN AREAS. (REF OSLO 4423). ON ACCOUNT OF NORWEGIAN ADMINISTRATIVE PREPARATIONS AND NEGOTIATONS TAKING PLACE WITH OTHER COUNTRIES, IT IS NECESSARY TO MAKE A CLOSER APPRAISAL OF THE DATE FOR ESTABLISHING AN ECONOMIC ZONE. THE DRAFT, THEREFORE, PRESUPPOSES THAT THE KING CAN DETERMINE THE DATE AND THE OCEAN AREAS FOR WHICH THE ECONOMIC ZONE COMES INTO FORCE. THE GOVERNMENT PRESUPPOSES THAT THE KING'S DECISIONS ON THESE ISSUES SHALL BE TAKEN IN CLOSE COOPERATION WITH THE STORTING (PARLIAMENT) AND ITS BODIES. BEFORE A DECISION IS TAKEN THE GOVERNMENT WILL ALSO DISCUSS THE MATTER WITH THE ORGAN-IZATIONS Affected."

2. ELIASSEN SAID THAT IT WAS CLEAR FROM THE SECTION OF THE STATEMENT AND EXPLANATORY NOTE QUOTED ABOVE THAT NORWAY WAS STILL CONSIDERING WHAT IT SHOULD DO RE OCEANS AROUND SVALBARD. HE ADDED THAT NORWAY WOULD PROBABLY ERECT A 200-MILE ECONOMIC ZONE AROUND ENTIRE NORWEGIAN MAINLAND IN EARLY 1977. (NORWAY HAD PREVIOUSLY CONTEMPLATED ERECTING AN

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ECONOMIC ZONE AROUND NORTHERN PART OF NORWEGIAN MAINLAND SOUTH TO THE 62ND PARALLEL IN EARLY 1977 AND AROUND SOUTHERN NORWAY SOMEWHAT LATER.) HE SAID THAT NO FINAL DECISION HAS BEEN REACHED ON WHEN THIS ECONOMIC ZONE WOULD BE ANNOUNCED OR MADE EFFECTIVE, BUT CONCEDED THAT THE ZONE COULD ENTER INTO FORCE AS EARLY AS JANUARY 1, 1977. THE GOVERNMENT, HE SAID, WOULD PROBABLY DECIDE ON THE EFFECTIVE DATE FOR THE ZONE BEFORE EVENSEN'S VISIT TO

MOSCOW IN MID-OCTOBER FOR FURTHER FISHERIES' TALKS. HOWEVER, HE THOUGHT IT POSSIBLE THAT ANNOUNCEMENT OF THIS DATE MIGHT BE WITHHELD UNTIL AFTER THE TALKS. THIS WOULD GIVE EVENSEN AN OPPORTUNITY TO CONSULT WITH THE SOVIETS ON NORWAY'S PLANS BEFORE THEY WERE ANNOUNCED AND SET IN CONCRETE.

3. ELIASSEN SAID THE SOVIETS HAD REPEATEDLY STATED THEIR OPPOSITION TO ERECTION OF 200-MILE ECONOMIC ZONES PRIOR TO COMPLETION OF THE LOS CONFERENCE AND POINTED OUT THAT THE SOVIETS HAD PROTESTED THE ICELANDIC 200-MILE ZONE AS WELL AS U.S.-CANADIAN LAWS PROVIDING FOR ESTABLISHMENT OF 200-MILE ECONOMIC ZONES. HE ANTICIPATES THAT SOVIETS WILL STRONGLY OPPOSE CREATION IN EARLY 1977 OF A NORWEGIAN MAINLAND 200-MILE ECONOMIC ZONE, BUT NOTED THAT THEY HAD RESPECTED ICELAND'S ZONE AND HOPED THEY WOULD ALSO RESPECT NORWAY'S. HE CONCEDED, HOWEVER, THAT IT WOULD BE EASY FOR THE SOVIETS TO FIND AN EXCUSE NOT TO DO SO, SUCH AS PROXIMITY OR THE IMPORTANCE OF THE SOVIET FISHERY OFF NORWAY. QUESTIONS OF FISHING IN THE BORDER AREA AND AROUND SVALBARD MADE THE PROBLEM EVEN MORE DIFFICULT. PENDING RESOLUTION OF THESE QUESTIONS, HE CONTINUED TO THINK THE ONLY FORESEEABLE SOLUTION WAS TO TREAT FISH IN BOTH THE NORWEGIAN AND SOVIET SECTIONS OF THE BARENTS SEA AS ONE RESOURCE STOCK OF WHICH EACH COUNTRY WOULD TAKE AN AGREED SHARE WITH FISHING PERMITTED IN EACH OTHER'S WATERS.

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4. REGARDING THE LAST PARAGRAPH OF THE PROPOSED LAW WHICH ALLOWS NORWAY FOR AN INTERIM PERIOD OR AS A RESULT OF AN AGREEMENT WITH ANOTHER COUNTRY TO LIMIT ITS ENFORCEMENT RIGHTS OVER FISHING IN ITS ECONOMIC ZONE, ELIASSEN CONCEDED THAT ANY USE OF THIS PROVISION WOULD AMOUNT TO A SELF-IMPOSED NORWEGIAN LIMITATION OF ITS JURISDICTION WITHIN ITS ECONOMIC ZONE. HE SAID THAT WITHOUT THIS PROVISION IT WOULD NOT BE LEGALLY POSSIBLE FOR NORWAY TO NEGOTIATE ANYTHING LESS THAN FULL JURISDICTION WITHIN ITS ECONOMIC ZONE. STRONGLY HELD SOVIET OBJECTIONS TO ENFORCEMENT MEASURES BY OTHER COUNTRIES OVER SOVIET SHIPS ARE WELL KNOWN, AND HE CONSIDERS IT COULD BE IMPOSSIBLE FOR NORWAY TO NEGOTIATE A FISHING CONFIDENTIAL

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AGREEMENT WITH THE USSR UNLESS NORWAY HAS SOME FLEXIBILITY RE ENFORCEMENT MEASURES. HE NOTED THAT ANY FISHING AGREEMENT CONCLUDED WITH THE USSR WOULD HAVE TO BE SUBMITTED TO THE NORWEGIAN PARLIAMENT FOR APPROVAL AND THAT PARLIAMENT WAS UNLIKELY TO APPROVE ANY AGREEMENT WHICH IN ITS VIEW WENT TOO FAR IN WAIVING NORWEGIAN JURISDICTION. HE THOUGHT, THEREFORE, THAT ANY CONCESSIONS MADE UNDER THIS PROVISION WOULD BE MINOR AND PLAYED DOWN PRESS TREATMENT OF THE PROVISION. (ONE CONSERVATIVE OSLO PAPER SAID PROVISION COULD LEAD TO "FINLANDIZATION" OF THE BARENTS SEA AND ANOTHER CHARACTERIZED IT AS ADVANCE CAPITULATION TO THE SOVIETS (SEE REF B). HE ADMITTED THAT OTHER COUNTRIES WITH WHICH NORWAY ENTERED INTO FISHING AGREEMENTS WOULD PROBABLY BE GIVEN THE SAME REATMENT ON ENFORCEMENT AS THE USSR. THE STATEMENT AND EXPLANATORY NOTE WHICH WILL ACCOMPANY THE PROPOSED LEGISLATION WHEN IT IS GIVEN TO PARLIAMENT IN OCTOBER MAKE NO REFERENCE TO THE PROVISION.

5. ON BARENTS SEA BOUNDARY TALKS, ELIASSEN SAID HE HAD HEARD NOTHING FROM THE SOVIETS SINCE THE LAST

ROUND IN JUNE OF THE NORWEGIAN/SOVIET BARENTS SEA
BOUNDARY TALKS, ALTHOUGH WE UNDERSTAND THAT LAST SUMMER
THE SOVIETS REJECTED THE NORWEGIAN PROTEST OVER MISSILE
FIRINGS INTO THE DISPUTED BARENTS SEA AREA, INDICATING
THEY CONSIDERED THIS SOVIET TERRITORY. THE BOUNDARY WILL
BE A MAJOR ISSUE IN THE TALKS WITH SOVIET FOREIGN
MINISTER GROMYKO WHEN HE COMES TO OSLO THIS FALL FOL-
LOWING HIS VISIT TO THE UNGA, AND IT COULD ALSO BE PART
OF EVENSEN'S FISHERY TALKS IN USSR IN MID-OCTOBER.
ELIASSEN STILL HOPES ANOTHER ROUND OF BOUNDARY TALKS
CAN BE HELD THIS YEAR, BUT IF THE SOVIETS ARE UNWILLING
TO ABANDON THEIR SECTOR LINE, THERE WILL BE NOTHING TO
TALK ABOUT. IF THAT IS THE CASE, ELIASSEN SAYS THE BOUNDARY
TALKS WILL PROBABLY BE SUSPENDED UNTIL THE SOVIETS GIVE SOME
INDICATION OF GREATER FLEXIBILITY.

6. ON STATUS OF CONSIDERATION OF FISHERIES REGIME AROUND
SVALBARD BY INTERAGENCY COMMITTEE HE HEADS, ELIASSEN SAID
MATTER WAS IN SUSPENSE PENDING CONCLUSION OF LOS CONFER-
ENCE SINCE MOST OF INTERAGENCY COMMITTEE MEMBERS WERE AT
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CONFERENCE. HE STILL HOPES TO HAVE PRELIMINARY POSITION
BY MID-OCTOBER.

7. OSLO PRESS OF SEPTEMBER 11 REPORTS THAT UNDER
SECRETARY FOR LOS TREHOLT SAID IN NEW YORK WHERE HE IS
ATTENDING LOS CONFERENCE THAT ANY EASING OF ENFORCEMENT
OF ZONE REGULATIONS WOULD BE TOLERATED ONLY FOR A SHORT,
TRANSITIONAL PERIOD. HE IS ALSO REPORTED TO HAVE IN-
DIATED EVENSEN IS STILL CONSIDERING A "GREY" OR "NEUTRAL"
ZONE SOLUTION (REF C) TO FISHING IN THE DISPUTED NORWEGIAN/
SOVIET BOUNDARY AREA.

8. COMMENT: AS THE ISSUES IN THE BARENTS SEA OF THE
BOUNDARY, FISHING, AND SVALBARD ECONOMIC ZONE CONVERGE,
IT APPEARS MORE AND MORE LIKELY THAT THE SOVIETS WILL
ATTEMPT TO TIE THEM TOGETHER AND SEEK A PACKAGE SOLUTION
WHICH COULD ALSO INCLUDE ARCTIC ISSUES (REF D). GROMYKO
MAY PROVIDE FURTHER CLUES ABOUT WHAT THE SOVIETS HAVE IN
MIND WHEN HE COMES TO OSLO. HOWEVER, THE NORWEGIANS ADMIT
THAT TIME FAVORS THE USSR AND THE SOVIETS MAY DECIDE TO
BIDE THEIR TIME IN THE HOPE OF WINNING BIGGER CONCESSIONS
FROM NORWAY LATER.

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